

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Thomas Stewart, Jr,	)	Case No. 5:23-cv-02951-JDA
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>OPINION AND ORDER</u></b>
	)	
Jeremy Stewart,	)	
	)	
Defendant.	)	
	)	

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This matter is before the Court on Plaintiff's motion for default judgment. [Doc. 43.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings.

On October 3, 2024, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Plaintiff's motion for default judgment be granted that the Plaintiff be awarded \$15,000.00 in compensatory damages and \$10,000.00 in punitive damages against Defendant in his personal capacity pursuant to 42 U.S.C. § 1983. [Doc. 58.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [Doc. 58-1.] Neither party has filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report

of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Plaintiff’s motion for default judgment [Doc. 43] is GRANTED and Plaintiff is awarded \$15,000.00 in compensatory damages and \$10,000.00 in punitive damages against Defendant Stewart in his personal capacity pursuant to 42 U.S.C. §1983.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin  
United States District Judge

December 31, 2024  
Columbia, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.